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UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
Washington, D.C.

Amendment No. 1 to Service and Regulatory Announcements No. 132 (B.A.E.)

Amendment to Regulations for Warehousemen Storing Canned Foods
Under the United States Warehouse Act

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. L., p. 486) as amended, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following amendments to the regulations of the Secretary of Agriculture for warehousemen storing canned foods promulgated April 29, 1932, under said Act, said amendments to become effective immediately:

Amend Regulation 4, Section 1, Paragraph 2, to read as follows:

"Unless otherwise required by the Secretary, or his designated representative, every receipt, whether negotiable or non-negotiable, issued for canned foods stored in a warehouse shall specify a period, not exceeding one year, for which the canned foods are accepted for storage under the Act and these regulations. Except in the case of canned foods which may be stored only for less than one year, upon demand and surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of canned foods in his warehouse, if he then continues to act as a licensed warehouseman, may issue a new receipt for a further specified period not exceeding one year; provided it is actually determined by a licensed inspector, or subject to the provisions of Regulation 5, Section 1, Paragraph 2, by an employee of the Bureau, that the canned foods are in proper condition for storage for another year. Whenever it is determined by the Secretary, or his designated representative, that certain canned foods may not be safely stored beyond a fixed time, every receipt, whether negotiable or nonnegotiable, issued for such canned foods shall be plainly marked to show that such canned foods are not accepted for storage beyond such fixed time."

"Par. 3. The grade stated in a receipt issued for canned foods shall be stated as determined by a licensed grader, or, subject to the provisions of Regulation 5, Section 1, Paragraph 2, by an employee of the Bureau, who graded the canned foods on the basis of samples actually drawn not more than 10 days preceding the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (a) that the canned foods covered by the receipt were inspected and graded by a licensed inspector and grader, or by an official inspector and grader of the Department, as the case may be, and (b) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on the canned foods covered by the receipt."

Amend Regulation 5, Section 1, Paragraph 1, to read as follows:

"No licensed warehouseman shall store canned foods in his licensed warehouse and issue a receipt therefor unless an inspector licensed under this Act, or, subject to the provisions of Paragraph 2 of this Section, an inspector and/or grader employed by the Bureau and authorized by the Secretary, or his designated representative, to inspect and/or grade canned foods in connection with any canned foods inspection service of the Bureau, has examined them, found them to be in proper condition for storage, and issued an approved certificate certifying as to the condition and/or grade of the canned foods, not more than 10 days prior to the issuance of such receipt. Under no conditions shall swells, springers, leakers, or rusty cans, or any canned foods known to be in violation of either State or Federal food and drugs laws be accepted for storage.

"Par. 2. If at any time a warehouseman shall have canned foods, stored or to be stored in his licensed warehouse, inspected and/or graded by an authorized employee of the Bureau, in lieu of a licensed inspector and/or grader, the samples to be inspected and/or graded shall be drawn in an amount and in a manner specified by the Secretary, or his designated representative, by an employee of the Department or by the warehouseman or his representative, neither of whom shall be financially interested in such canned foods other than as a bailee for hire, and such Bureau employee shall issue to the warehouseman the approved form of certificate reciting his findings.

"Sec. 22. If a licensed warehouseman or the licensed inspector considers that any canned foods in the licensed warehouse are out of condition or becoming so, the warehouseman shall direct the licensed inspector to examine the canned foods in question or request the Bureau to have one of its authorized inspectors examine such canned foods, and, if such inspector finds such canned foods to be out of condition or becoming so, the warehouseman shall give immediate notice of the facts in the manner and to the persons specified in Section 23, paragraphs 1, 2 and 3 of this regulation.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, this 26th day of July, 1933.

Henry A. Wallace

Secretary of Agriculture.

